IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.2339 OF 2005

Shree Mahalaxmi Devasthan
Charitable Trust, Solapur ..Petitioner.

Vs.

The Markandeya Yantramag Dharak
Laghu Udyog Sahakari Society & Ors..Respondents.

....

Mr.M.C.Hegde for the Petitioner.
Mr.N.D.Vakil i/b Ram & Co. for Respondent No.1.
Mrs.M.P.Thakur, AGP for Respondent Nos.2 to 5.

...

CORAM : F.I.REBELLO, J. AND
DR.D.Y.CHANDRACHUD, J.

24th February, 2006.

P.C. :

This is a Petition by a trust through one of the trustees. The Government had acquired the land under the Urban Land Ceiling Act. The land

was partly reserved for industrial purpose as also for a school. In terms of the averments in the Petition itself in paragraph 8, two acres of the land has been given to the school for the blind and 2 acres of the land has been reserved for the purpose of playground for the blind, 9 acres of the land was vacant. Annexure Exh.I the translation of which is annexed would indicate that an area of 34,720 sq. mtrs. which was declared as excess land has been sanctioned to Shree Markandeya Yantramag Dharak Laghu Udyog Sahakari Society, Solapur for industrial purpose.

The Petitioner prays that the land be used for charitable purpose. Once the land was reserved for industrial purpose and has been allotted for industrial purpose, we do not find that this is a fit case to exercise the extra ordinary jurisdiction. Hence, the Petition is dismissed.

(F.I.REBELLO, J.)

(DR.D.Y.CHANDRACHUD, J.)